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OFFICE OF PETITIONS

In re Application of
Peter Martin Fischer et al
Application No. 10/671,747
Filed: September 26, 2003
Attorney Docket No. CCI-027CN

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:DECISION GRANTING FILING
:DATE OF **SEPTEMBER 26, 2003**
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This is a decision on the petition under 37 CFR 1.10, filed June 27, 2006, requesting that the above-identified application be accorded a filing date of September 26, 2003, rather than the presently accorded date of September 24, 2003.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on September 26, 2006 pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of the Express Mail Corporate Account Mailing Statement which verifies the mail date as September 26, 2003, for Express Mail label No. EV309881169US. The same Express Mail receipt number appears on the original "* Application Transmittal." Petitioner also submitted a copy of an Express Mail Label No. EV309881169US; copy of the Application Transmittal Letter dated September 26, 2003; copy of the return postcard made prior to deposit of the application with the USPS; and a copy of the Lahive & Cockfield Express Mail Log to show that the application filing package was entered into the records on September 26, 2003.

In view of the above, it is concluded that the application was deposited as "Express Mail" with the USPS on September 26, 2003.

The petition is granted.

The application is being referred to the Office of Initial Patent Examination for processing with a filing date of **September 26, 2003**, and for the mailing of a corrected Filing Receipt.

Telephone inquiries specific to this decision on petition should be directed to the undersigned at (571) 272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions